

JOURNAL OF THE HOUSE

NINETIETH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 19, 2015

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by House pages Karlee Peterson and Grant Russell.

Roll Call: All members present except Reps. Schaefer and Schoenbeck who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

HONORED GUESTS

Speaker Wink introduced the Honorable Kristi Noem, United States Representative from South Dakota who spoke briefly.

COMMUNICATIONS AND PETITIONS

February 19, 2015

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 19, 2015, I approved House Bills 1001 and 1004, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 60 and 63 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1166 and returns the same with the recommendation that said bill be amended as follows:

1166cc

On page 2, line 1, of the printed bill, after "facility" insert "without the informed consent of the minor's parent or guardian".

And that as so amended said bill do pass.

Respectfully submitted,
Scott Munsterman, Chair

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1201 and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on Local Government respectfully reports that it has had under
6 consideration HB 1153 and returns the same with the recommendation that said bill be amended
7 as follows:

8 1153ya

9 On page 3 of the printed bill, line 5, delete everything after "colloquy" and insert:

10 "are a public record and shall be maintained by the public body for a period of one year
11 following the meeting if:

12 (1) Official business within the jurisdiction of the public body is discussed; and

13 (2) The teleconference meeting conducted by text colloquy includes at least a quorum
14 of a public body or political subdivision.

15 Communication by text colloquy not meeting both of these standards are not a public record.
16 The scheduling of any meeting or similar clerical communication does not constitute official
17 business for purposes of this section."

18 On page 3, delete lines 6 to 8, inclusive.

19 And that as so amended said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Local Government respectfully reports that it has had under
22 consideration HB 1154 which was deferred to the 41st Legislative Day.

23 Respectfully submitted,
24 Kristin A. Conzet, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith HB 1076, 1099, 1119, 1178, and 1180 which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to transmit herewith SB 95, 152, 174, and 177 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

SCR 5: A CONCURRENT RESOLUTION, Supporting a stronger South Dakota-China relationship.

Rep. Bolin moved that SCR 5 as found on page 408 of the Senate Journal be concurred in.

The question being on Rep. Bolin's motion that SCR 5 be concurred in.

And the roll being called:

Yeas 57, Nays 11, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto; Dryden; Duvall; Gibson; Greenfield (Lana); Haggar (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Nays:

Craig; Feickert; Gosch; Haugaard; Hickey; Hunt; Klumb; May; Qualm; Verchio; Westra

Excused:

Schaefer; Schoenbeck

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion carried and SCR 5 was concurred in.

3 Rep. Kaiser moved that the Committee on Education be instructed to deliver HB 1223 to
4 the floor of the House, pursuant to Joint Rule 7-7.

5 Which motion was supported and the committee was so instructed.

6 Rep. Gosch moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
7 Friday, February 20, the 25th legislative day.

8 Which motion prevailed.

9 **CONSIDERATION OF REPORTS OF COMMITTEES**

10 Rep. Gosch moved that the reports of the Standing Committees on
11 Commerce and Energy on HB 1064 as found on page 423 of the House Journal; also
12 Judiciary on HB 1205 as found on page 426 of the House Journal; also
13 Judiciary on HB 1225 as found on page 427 of the House Journal be adopted.
14 Which motion prevailed.

15 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 95: FOR AN ACT ENTITLED, An Act to revise provisions related to human
17 trafficking.

18 Was read the first time and referred to the Committee on Health and Human Services.

19 SB 152: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs
20 related to mountain pine beetle suppression and to declare an emergency.

21 Was read the first time and referred to the Committee on Appropriations.

SB 174: FOR AN ACT ENTITLED, An Act to make an appropriation for the Ross Shaft at the Sanford Underground Research Facility and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

SB 177: FOR AN ACT ENTITLED, An Act to establish a youth minimum wage.

Was read the first time and referred to the Committee on Commerce and Energy.

SECOND READING OF CONSENT CALENDAR ITEMS

Rep. Gosch requested that HB 1231 be removed from the Consent Calendar.

Which request was granted.

HB 1107: FOR AN ACT ENTITLED, An Act to revise the definition of certain alcoholic beverages that are classified as cider.

Was read the second time.

The question being "Shall HB 1107 pass?"

And the roll being called:

Yeas 67, Nays 1, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Nays:

Verchio

Excused:

Schaefer; Schoenbeck

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

1 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2 Rep. Gosch moved that HB 1185 be deferred to Tuesday, February 24, the 26th legislative
3 day.

4 Which motion prevailed.

5 Rep. Gosch moved that HB 1186 be deferred to Tuesday, February 24, the 26th legislative
6 day.

7 Which motion prevailed.

8 Rep. Gosch moved that HB 1187 be deferred to Tuesday, February 24, the 26th legislative
9 day.

10 Which motion prevailed.

11 HB 1206: FOR AN ACT ENTITLED, An Act to authorize the concealed carry of pistols
12 on public university campuses under certain circumstances.

13 Having had its second reading was up for consideration and final passage.

14 1206yb

15 Rep. Stalzer moved that HB 1206 be amended as follows:

16 On page 1, line 6, of the House Local Government Committee engrossed bill, after
17 "university" insert "main".

18 On page 1, line 11, after "tournament" insert ", or where event security is present.
19 Additionally, a public university may restrict possession of a concealed weapon in areas with
20 equipment sensitive to metal or equipment that may otherwise be damaged by the proximity of
21 the firearm".

22 Which motion prevailed.

23 The question being "Shall HB 1206 pass as amended?"

24 And the roll being called:

25 Yeas 20, Nays 48, Excused 2, Absent 0

1 Yeas:

2 Brunner; Campbell; Craig; DiSanto; Gosch; Greenfield (Lana); Haugaard; Hickey; Kaiser;
3 Klumb; Latterell; Marty; May; Otten (Herman); Qualm; Russell; Stalzer; Verchio; Westra; Wiik

4 Nays:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Conzet; Cronin; Deutsch; Dryden; Duvall; Feickert;
6 Gibson; Haggart (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff
7 (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Langer; McCleerey; Mickelson;
8 Munsterman; Novstrup (Al); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds;
9 Rozum; Schoenfish; Schrempp; Sly; Soli; Solum; Stevens; Tulson; Werner; Willadsen;
10 Wollmann; Zikmund; Speaker Wink

11 Excused:

12 Schaefer; Schoenbeck

13 So the bill not having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill lost.

15 HB 1230: FOR AN ACT ENTITLED, An Act to prohibit the beheading of certain living
16 unborn children and to provide penalties therefor.

17 Was read the second time.

18 1230xa

19 Rep. Tulson moved that HB 1230 be amended as follows:

20 On the House Health and Human Services Committee engrossed bill, delete everything
21 after the enacting clause and insert:

22 " Section 1. The State of South Dakota recognizes the sanctity of human life."

23 Rep. Gosch moved the previous question.

24 Which motion prevailed.

25 A roll call vote was requested and not supported.

26 Rep. Tulson's motion prevailed.

1 The question being "Shall HB 1230 pass as amended?"

2 And the roll being called:

3 Yeas 65, Nays 3, Excused 2, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
6 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
7 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean);
8 Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
9 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
10 Rasmussen; Ring; Romkema; Rounds; Russell; Schoenfish; Schrempp; Sly; Soli; Solum;
11 Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Speaker Wink

12 Nays:

13 McCleerey; Rozum; Zikmund

14 Excused:

15 Schaefer; Schoenbeck

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed.

18 The question being on the title.

19 1230xta

20 Rep. Tulson moved that the title to HB 1230 be amended as follows:

21 On page 1, line 1, of the House Health and Human Services Committee engrossed bill,
22 delete everything after "Act to" and insert "affirm the sanctity of human life.".

23 On page 1, delete line 2.

24 Which motion prevailed and the title was so amended.

25 HB 1123: FOR AN ACT ENTITLED, An Act to authorize alcoholic beverages to be sold,
26 served, and consumed in certain on-sale licensees during an extended period of time.

27 Was read the second time.

28 The question being "Shall HB 1123 pass?"

29 And the roll being called:

1 Yeas 29, Nays 39, Excused 2, Absent 0

2 Yeas:

3 Bartling; Beal; Bordeaux; Conzet; Cronin; Dryden; Gibson; Harrison; Hawley; Jensen (Alex);
4 Johns; Kaiser; Kirschman; May; Mickelson; Munsterman; Otten (Herman); Partridge; Ring;
5 Romkema; Rounds; Schoenfish; Solum; Werner; Westra; Wiik; Willadsen; Wollmann; Speaker
6 Wink

7 Nays:

8 Anderson; Bolin; Brunner; Campbell; Craig; Deutsch; DiSanto; Duvall; Feickert; Gosch;
9 Greenfield (Lana); Haggard (Don); Haugaard; Hawks; Heinemann (Leslie); Hickey; Holmes;
10 Hunhoff (Jean); Hunt; Killer; Klumb; Langer; Latterell; Marty; McCleerey; Novstrup (Al);
11 Peterson (Kent); Qualm; Rasmussen; Rozum; Russell; Schrempp; Sly; Soli; Stalzer; Stevens;
12 Tulson; Verchio; Zikmund

13 Excused:

14 Schaefer; Schoenbeck

15 So the bill not having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill lost.

17 HB 1162: FOR AN ACT ENTITLED, An Act to enact the Interstate Insurance Product
18 Regulation Compact.

19 Was read the second time.

20 Rep. Gosch moved that HB 1162 be deferred to Tuesday, February 24, the 26th legislative
21 day.

22 Which motion prevailed.

23 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

24 Rep. Gosch moved that SB 43, 75, 76, 93, 45, 41, 94, and 118 be deferred to Tuesday,
25 February 24, the 26th legislative day.

26 Which motion prevailed.

27 There being no objection, the House reverted to Order of Business No. 8.

1

MOTIONS AND RESOLUTIONS

2

3

Rep. Gosch moved that SB 125 be referred from the Committee on Education to the Committee on State Affairs.

4

Which motion prevailed.

5

There being no objection, the House reverted to Order of Business No. 5.

6

REPORTS OF STANDING COMMITTEES

7

MR. SPEAKER:

8

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10

The Committee on Legislative Procedure respectfully reports that HB 1035, 1091, and 1098 were delivered to his Excellency, the Governor, for his approval at 10:50 a.m., February 19, 2015.

11

Also MR. SPEAKER:

12

13

14

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1076, 1099, 1119, 1178, and 1180 and finds the same correctly enrolled.

15

16

Respectfully submitted,
Dean Wink, Chair

17

SIGNING OF BILLS

18

The Speaker publicly read the title to

19

20

HB 1076: FOR AN ACT ENTITLED, An Act to permit the submission of a title insurance policy in lieu of an abstract in certain instances.

21

22

HB 1099: FOR AN ACT ENTITLED, An Act to revise certain provisions related to transferable interests in limited liability partnerships.

23

24

HB 1119: FOR AN ACT ENTITLED, An Act to revise certain adoption proceedings regarding the adult adoption of biological children.

25

26

HB 1178: FOR AN ACT ENTITLED, An Act to provide for the creation of an entity for the purpose of insurance contracts in certain instances.

1 HB 1180: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
2 regulation of captive insurance companies.

3 SB 16: FOR AN ACT ENTITLED, An Act to revise certain provisions safeguarding law
4 enforcement radio communications.

5 SB 40: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
6 federal motor carrier regulations.

7 SB 77: FOR AN ACT ENTITLED, An Act to allow nursing mothers to breastfeed in
8 certain locations.

9 SB 85: FOR AN ACT ENTITLED, An Act to repeal certain requirements regarding the
10 handlebar height on motorcycles.

11 And signed the same in the presence of the House.

12 COMMEMORATIONS

13 HC 1021 Introduced by: Representatives Mickelson, Beal, Haggar (Don), Haugaard,
14 Holmes, Jensen (Alex), Westra, and Zikmund and Senators Heineman (Phyllis), Curd, Haggar
15 (Jenna), and Soholt

16 A LEGISLATIVE COMMEMORATION, Honoring the 2014 Lincoln High School students.

17 WHEREAS, the Lincoln High School Cross Country team won the 2014 Class AA State
18 Cross Country Championship. The Patriot's claimed their third straight state cross country
19 championship. The Lincoln High School Boys Track and Field team earned 118 points at the
20 state meet and won the 2014 Class AA Boys State Track and Field Championship; and

21 WHEREAS, the Lincoln High School football team won the 2014 Class 11AAA State
22 Football Championship finishing the 2014 season with an 11-0 record. The Patriot's captured
23 their second straight state football championship; and

24 WHEREAS, the Lincoln High School Boys and Girls Soccer teams won the 2014 Class AA
25 State Soccer Championship. The Lincoln High School Baseball and Tennis teams won the 2014
26 State Baseball and Tennis Championship; and

27 WHEREAS, Lincoln High School has the highest number of music students chosen from
28 one high school represented in statewide music groups including: twenty-two students selected
29 for South Dakota Senior Honors Choir, twenty-three students selected for All State Orchestra,
30 and twenty-nine students selected for All State Band; and

31 WHEREAS, the Lincoln High School Oral Interp Team received the School of Excellence
32 Award and the 2014 Leading Chapter Award; and

1 WHEREAS, a total of eight Lincoln High School students were National Merit Winners:

2 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
3 of South Dakota, that the Legislature honors the 2014 Sioux Falls Lincoln Patriot students for
4 their excellence in sporting competition, the arts, and academic achievement.

5 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
6 4:05 p.m. the House adjourned.

7
Arlene Kvislen, Chief Clerk

